

Staff Summary Report



Hearing Officer Hearing Date: June 5, 2007

Agenda Item Number: 4

SUBJECT: This is a public hearing for a request by **THE SETS (PL070167)** located at 93 East Southern Avenue for one (1) use permit.

DOCUMENT NAME: 20070605dssl02

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **THE SETS (PL070167)** (Hamid Hekmatian, applicant; Ethan Christopher LLC, property owner) located at 93 East Southern Avenue in the CSS, Commercial Shopping and Services District for:

ZUP07042 Use permit to allow a billiard parlor and sports bar with live entertainment previously granted on March 21, 2006, and required to return for review after one year.

PREPARED BY: Sherri Lesser, Senior Planner (480-350-8486)

REVIEWED BY: Steve Abrahamson, Planning and Zoning Coordinator (480-350-8359)

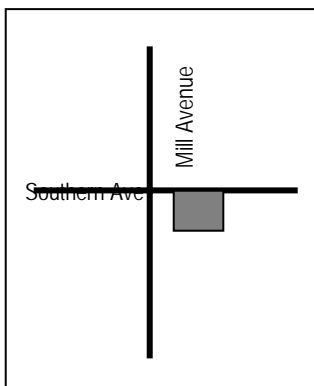
FINAL REVIEW BY: Lisa Collins, Planning Director (480-350-8989) 

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1-6.

ADDITIONAL INFO: The Hekmatian & Sons Inc. d.b.a. The Sets is returning to the Hearing Officer for review of their use permit to allow a billiard parlor and a sports bar with live entertainment located at 93 East Southern Ave in the CSS, Commercial Shopping and Service District. The Hearing Officer previously approved this request on March 21, 2006 and by condition of approval remanded the applicant to return the Hearing Officer for review of use permit within one (1) year. Staff recommends approval of the use permit with additional conditions. See the attached report from Mona Qureshi, Strategic Crime Analyst/Tempe Police Department, concerning the calls for service generated regarding this address from 3/1/2006 to 4/22/2007. The Police Department requested an additional call for service report (see attachment G) to clarify the kinds and numbers of calls for the sets. A representative from the Tempe Police Department will be available for questions at the Hearing Officer Meeting. The applicant has also supplied a letter through their attorney stating their plan to increase the wall height of the patio to mitigate noise.



ATTACHMENTS:

1. List of Attachments
 2. Comments; Reason(s) for Approval
 3. Conditions of Approval
 - 3-5. History & Facts
 5. Description; Zoning & Development Code Reference
-
- A. Location Map(s)
 - B. Aerial Photo(s)
 - C. Letter of Explanation
 - D. Site plan
 - E. Floor Plan
 - F. Letter of Explanation from Applicant's attorney dated 5/25/07 (3 pages)
 - G. Calls for Service Report May 1, 2005- April 30, 2007 (13 pages)
 - H. Photograph(s)

COMMENTS:

The Hekmatian & Sons Inc. d.b.a. The Sets is returning to the Hearing Officer for review of their use permit to allow a billiard parlor and a sports bar with live entertainment located at 93 East Southern Ave in the CSS, Commercial Shopping and Service District. The Hearing Officer previously approved this request on March 21, 2006 and, by condition of approval, remanded the applicant to return the Hearing Officer for review of use permit within one (1) year.

Staff has attached a report from the Police Department identifying the calls for service from this address, the number and kinds of calls are consistent with a pool hall/bar location. According to the report, there were seventeen (17) calls for service complaints regarding loud music and noise. On page four (4) of the "calls for service" report there is break down on the number of calls for service by month for the given time period. Also the report identifies "fight calls"; these service calls appear to be isolated incidences with no established pattern (see monthly breakdown page 5 of report).

In addition to the previous "calls for service report"; the police department has issued another "calls for service" report for not only this property but the properties adjacent to the establishment. The applicant has also provided an updated letter of explanation regarding improvements they are proposing to construct to help mitigate noise from the establishment .

Use Permit

The Zoning and Development Code requires a use permit for billiard parlors serving alcohol with live entertainment. The criteria for approval of the use permit are the following:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
- c. Contribution to the deterioration of the neighborhood or to the downgrading of property values which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the City's adopted plans, or General Plan;
- d. Compatibility with existing surrounding structures and uses;

Additionally, conditions of approval may be imposed by the decision making body which limit the days, hours, place and/or manner of operation.

Conclusion

This applicant is seeking approval of the use permit without additional time limits. Staff recommends approval of the request for the use permit based on the Zoning and Development Code criteria for approval. By condition of approval, staff can monitor the conduct of the business and require review of the use permit, if necessary. Staff has modified condition #5 to further clarify where and how special events may occur on the property. If an event is held on the interior of the business and the event does not violate the occupancy limits for business; it is allowed subject to limits for the live entertainment permit.

REASON(S) FOR APPROVAL:

1. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
2. No apparent hazards to persons or property from possible explosion, contamination, fire or flood.
3. Traffic generated by this use should not be excessive.
4. The use appears to be compatible with the building, site and adjacent property.
5. There appears to be a demonstrated need for this use at the proposed location.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

**CONDITION(S)
OF APPROVAL:**

1. No noise shall emanate beyond the walls of the building. The four doors leading to the back of the shopping center shall be closed at all times and used for emergency exit only.
2. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the City Attorney's office, the use permit will be reviewed by city staff to determine the need for a public hearing set to re-evaluate the appropriateness of the use permit.
3. There shall be no live entertainment on the patio.
4. No overflow parking allowed in the alley or on adjacent properties.
5. No "car shows" or special events allowed on the exterior of the building or within the parking area. All special events that extend beyond the interior of the business to obtain approval from Special Event Task Force.
6. All proposed upgrades to the interior and exterior to obtain Development Plan Approval and Building Safety Division clearance.

HISTORY & FACTS:

May 19, 1988.

City Council approved a major upgrade to the existing Valley Fair Shopping Center, including a new commercial pad for Checker Auto, use permit and variances subject to conditions.

August 13, 1990

City Council approved for the Carlson Realty Company, a site plan and variance for the Valley Fair Shopping Center/Pinke's with a use permit to allow a 15,438 s.f. billiards/pool hall subject to the following conditions:

1. Use permit to be valid for 2 years. The applicant must then return to the City Council for further review.
2. Use permit is for this applicant (Pinke's) only. Should the business be transferred, the new owner must reprocess to the Commission and Council for separate approval.
3. Any expansion, intensification or change in this use shall require separate re-processing through the Commission and Council prior to such change.
4. Business hours shall not extend past 1:30 AM (Sun.-Thur.) and 3:30 AM (Fri-Sat.). No minors shall be allowed at any time on the premises.
5. Any significant verifiable police complaints shall require the applicant to return to the City Council for re-evaluation of the use permit even if such re-evaluation precedes the expiration of the initial time and any extension thereto.
6. No noise shall emanate beyond the walls of the building. The four doors leading to the back of the shopping center shall be closed at all times and used for emergency exit only.
7. Parking area located at the southeast corner of center shall be designated as "employee parking" only.
8. The east property line wall (if owned by the shopping center) shall also be repaired prior to occupancy and shall be properly maintained on a continuo basis.
9. Previous applicable City Council and Design Review conditions shall be adhered to.

September 10, 1992.	City Council extended the Pinke's use permit for another two years without modifying any of the conditions of approval.
March 16, 1995.	<p>City Council extended the use permit for Pinke's for another two years. They added five conditions of approval to address neighborhood complaints about noise created from the dumping of trash. The conditions were the following:</p> <ol style="list-style-type: none"> 1. Within two years from date of approval of this extension, the applicant shall return to City Council for a public hearing to review compliance with conditions of approval on the use permit. 2. A masonry trash enclosure as depicted in the applicant's letter shall be installed within sixty days of approval, with details to be resolved with Design Review, Refuse and Police staff. 3. Pink E's shall not put trash in the City refuse container between the hours of 10:00 PM and 7:00 AM, during which time it may temporarily store trash in the above enclosure, restricting use of the Pink E's rear door only to this purpose except for emergencies. 4. Except as modified by this action, all previous applicable Council conditions of approval (8/9/90) shall be adhered to. 5. No live entertainment per the terms of Ordinance 808 may be conducted on these premises without prior issuance of a use permit by the City.
April 24, 1997.	City Council extended the Pink E's use permit for one (1) year subject to eight (3) conditions (similar to those imposed previously except for the one year time extension).
September 18, 1997.	<p>City Council approved the request by Pink E's for compliance of condition #2 (imposed 4/24/97) and the transferring of the use permit to a new group (Hekmatian & Sons, Scott A. Swinson, Esq.) subject to eight conditions.</p> <ol style="list-style-type: none"> 2. Use permit is for the current owner of Pink E's only. Should the business be transferred, the new owner must reprocess to the Council for separate approval.
November 20, 1997.	City Council approved Pink E's (Hekmatian and Sons, Inc.) for a use permit to allow live entertainment, in conjunction with a billiards establishment subject to eight conditions with a time limit of 10 months for re-review.
September 11, 1998.	City Council approved the request by Pink E's for a time limit extension of the use permit for a pool hall with live entertainment subject to (8) eight conditions with a time limit of two years for re-review.
September 21, 2000.	<p>City Council approved the request by Pink E's (later renamed The Sets) for a time limit extension for a use permit for a pool hall with live entertainment subject to eight conditions. The following conditions were modified from previous approvals:</p> <ol style="list-style-type: none"> 1. On or before September 18, 2005, the applicant shall return to the City Council for review of compliance with conditions and modification, if any. 2. Any significant verifiable police complaints (as determined by the City Attorney and Police Dept.) shall require the applicant to return to City Council for re-evaluation of the use permit at any time. (Note: Applicant has agreed to work with adjacent neighbors to resolve any potential noise problems, failure to do so could result in returning to the City Council for review).
December 18, 2001.	City Council approved the request by Pinke's for a use permit to modify the existing 15450 s.f. billiard parlor business operation and add a six-lane bowling area, subject to seven conditions.
July 16, 2002.	<p>The Hearing Officer approved a use permit for Pinke's to build an outdoor patio subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Replace missing tree in parking lot landscape island adjacent to building entry by October 16, 2002.

2. Any variances or use permits not specifically requested by the applicant at this time will require separate processing.
3. The use permit is valid for the plans and business operation as submitted to and approved by the Hearing Officer/Board of Adjustment.
4. This use shall be approved by the City of Tempe Fire Marshall prior to the use becoming effective.
5. This use shall not violate the City of Tempe Noise Ordinance.
6. This use shall not violate the City of Tempe Smoking Ordinance
7. The applicant shall devise a security plan in conjunction with the CPTED officials of the City of Tempe by October 16, 2002.
8. This use permit is not transferable. Should the business be sold, the new owners must reprocess through the Hearing Officer or Board of Adjustment.
9. No outdoor speakers are allowed.
10. If there are any complaints arising from the uses herein permitted that are verified by a consensus of the complaining party and the /City Attorney's office, the use permit may be returned to the Board of Adjustment and another public hearing set to re-evaluate the use permit.
11. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
12. Any intensification or expansion of this use shall require that a new use permit be applied for and obtained.

May 28, 2003

Board of Adjustment approved a use permit for Pinke's/ The Sets to allow outdoor speakers on the patio area, subject to conditions.

January 17, 2006

The Hearing Officer approved a permit for The Sets allowing a sports bar/pool hall with live entertainment subject to conditions. By condition, the applicant to return to the Hearing Officer for review of the use permit.

March 21, 2006

The Hearing Officer approved a permit for The Sets allowing a sports bar/pool hall with live entertainment subject to conditions. By condition, the applicant to return to the Hearing Officer for review of the use permit.

May 1, 2007

The Hearing Officer continued the request for review of the use permit for the Sets to allow for input from the Tempe Police Department.

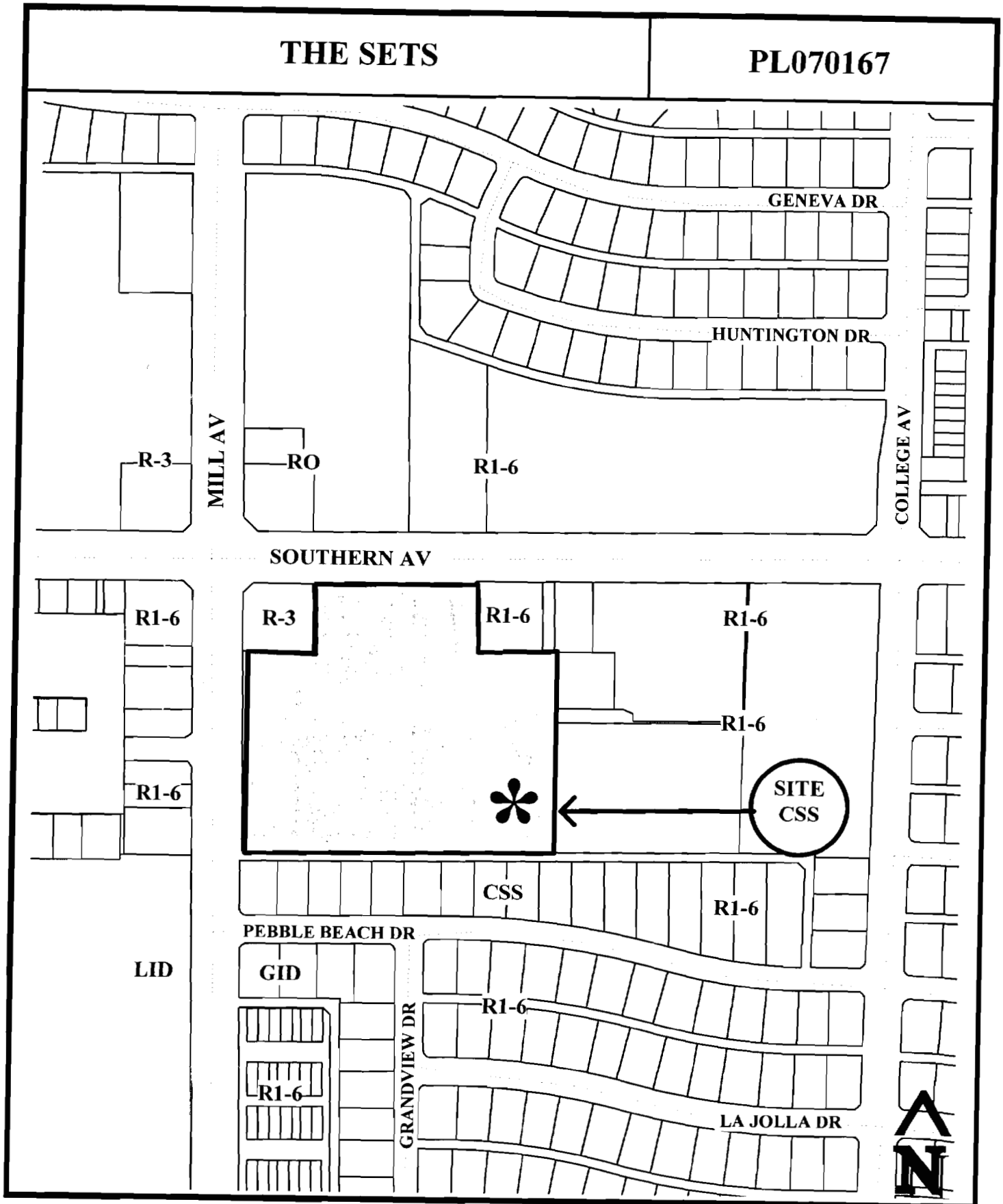
DESCRIPTION:

Owner – Ethan Christopher LLC
 Applicant – Hamid Hekmatian
 Existing zoning – CSS, Commercial Shopping and Services District

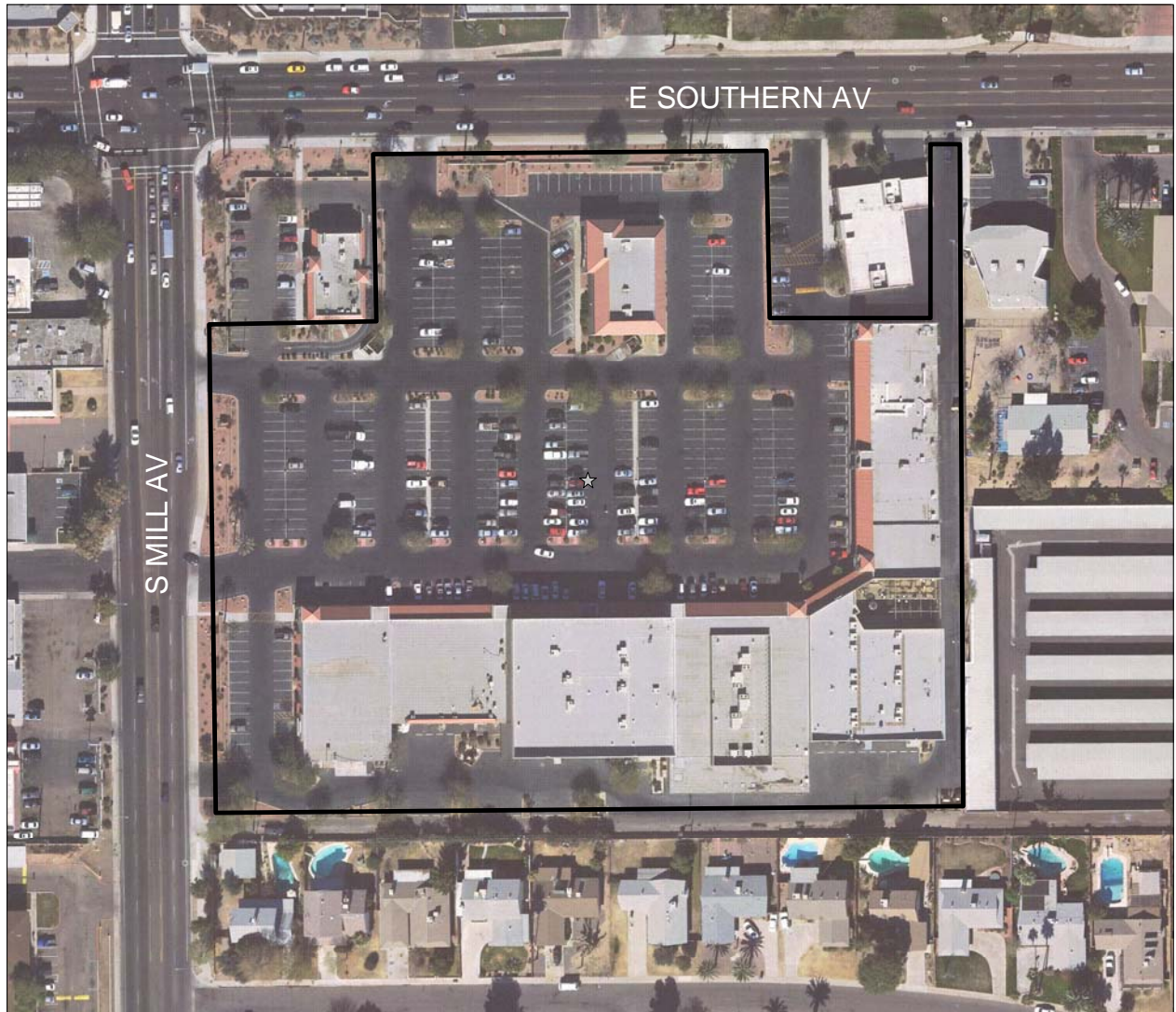
**ZONING AND
 DEVELOPMENT**

CODE REFERENCE:

Citations of Code Requiring Use Permit(s):
 Zoning and Development Code, Part 3, Chapter 2, Section 3-202 B.
 Part 6, Chapter 3, Section 6-308



Location Map



THE SETS (PL070167)

April 9th 2007

City of Tempe
Development Department Services
31 East Fifth Street, Tempe, Arizona 85281

Subject: Valley Fair Center – Hekmatian & Sons Inc, d.b.a - The Sets 93 East Southern Ave,
Tempe AZ 85282 – BA 050184 – Ethan Christopher Inc, Landlord.

Dear Ms. Kelly,

Thank you for meeting with me last week.

The Intention of this letter is to request an extension to our existing use permit with it's current conditions through Dec 2013 which is when our current lease expires.

The Sets and the previous business PinKE'S has been under the ownership of Hekmatian & son, Inc. since 1997. The history of our operation and our renewals is clearly indicative of our absolute cooperation and respect for our customers, neighbors, The City and Tempe Police.

Since last March, with the blessing of the Fire Marshall, City of Tempe Inspectors, Plan reviewers and the Police we have added at an astronomical cost a tremendous amount of sound insulation to our facility. We have by any standard one of the quietest and acoustically cleanest music facilities anywhere.

Since the first application that I made to the City for the use permit, one neighbor has shown up every time and has objected to our existence. There has always been data presented by this neighbor. This year we have kept a record of every call or communication. There are other neighbors and local residence that have completely the opposite view and are grateful for our existence. We have a fantastic working relationship with The Police department and I would encourage you to obtain a reference from them.

In conclusion, The Sets with it current use has the profound privilege of being a service to the community by providing the following:

Billiards, ping pong, shuffleboard, darts, foosball, video games, leagues and tournaments

Three full service bars and a restaurant,

Live music venue, receptions and a place to meet and greet.

Neighborhood sports bar,

And finally, a specially designed patio to accommodate the patrons that smoke.

There is something for everyone to do here at The Sets.

Sincerely,

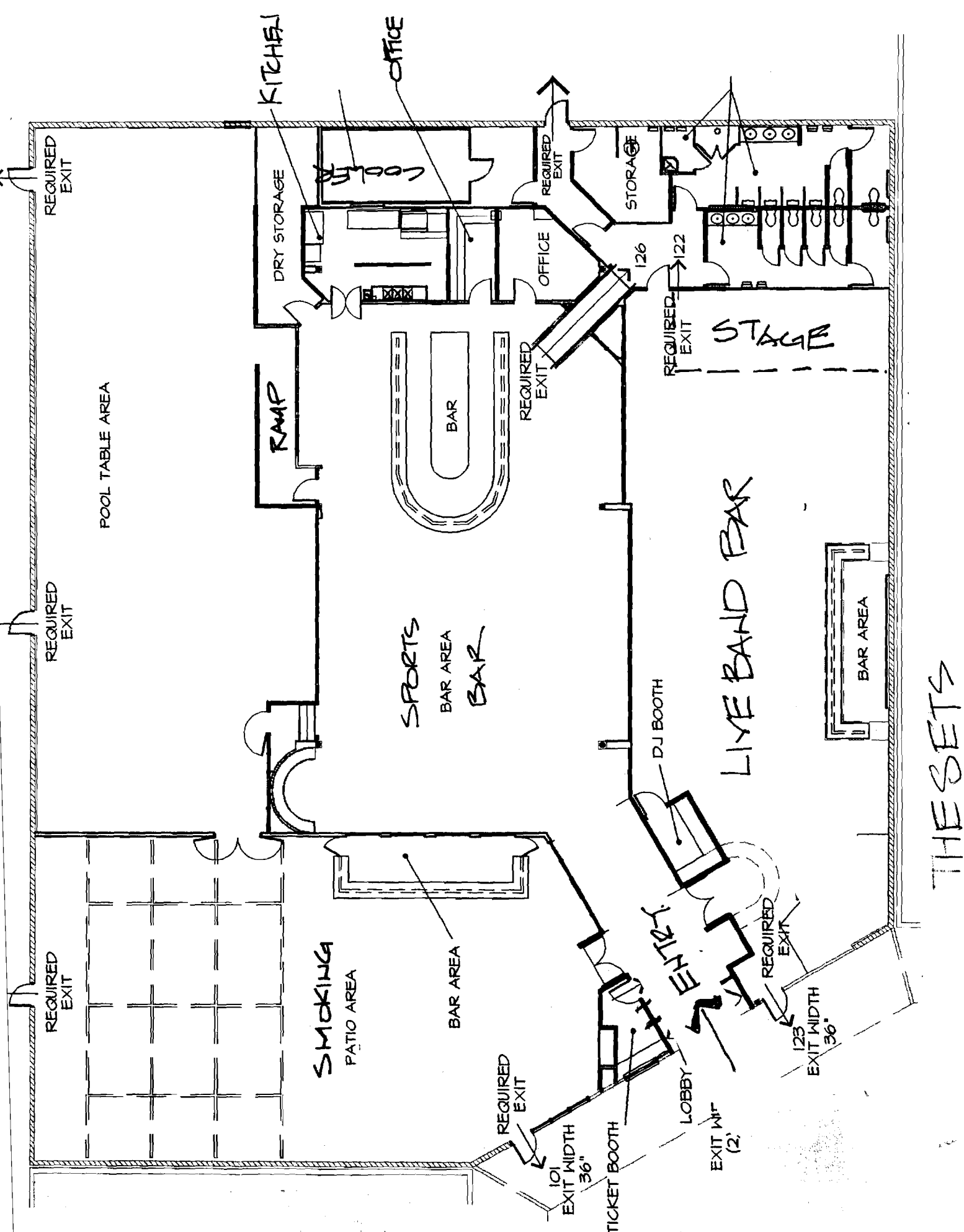


H. Hekmatian

The Sets

93 E. Southern Ave Tempe, AZ 85282

480 8291822 – after 2 PM



THESETS



**Jaburg
& Wilk, P.C.**
ATTORNEYS AT LAW

RECEIVED

07 MAY 29 PM 5:01

TEMPE-DEVELOPMENT
SERVICES DEPARTMENT

Randy Nussbaum

ARIZONA CERTIFIED SPECIALIST IN BANKRUPTCY
BOARD CERTIFIED BUSINESS BANKRUPTCY LAW
AMERICAN BOARD OF CERTIFICATION

rxn@jaburgwilk.com
Main Line 480/609-0011
Main Fax 480/609-0016

May 25, 2007

14500 N. Northsight
Blvd., Suite 116
Scottsdale, Arizona 85260

Tel 480/609-0011
Fax 480/609-0016

www.jaburgwilk.com

Via Email, Facsimile and U.S. Mail

Sherri Lesser
Senior Planner
City of Tempe
31 East Fifth Street
Tempe, Arizona 85280

Re: The Sets 9P:070167/ZUP07042

Dear Ms. Lesser:

Because of my long standing relationship with Hamid Hekmatian and his business, the Sets, he has asked me to contact you regarding the City of Tempe hearing currently scheduled for June 5, 2007, in hopes of bringing this matter to a satisfactory and expeditious resolution. Mr. Hekmatian has no desire for this matter to proceed any further and is hoping that the explanation contained in this letter will demonstrate his commitment to operate in accordance with the City of Tempe's ordinances and requirements.

As a preliminary matter, independent of any complaints or concerns voiced by the City of Tempe or its citizens, Mr. Hekmatian wants his business to be a welcomed and attractive neighbor. He is proud of his business and the reputation that the Sets has developed over the years with not just its customers but the Tempe Police Department. He will do everything in his power to maintain that reputation and respect even if not required to take the action described below.

The Sets is prohibited from sponsoring "Special Events". The Sets contends that no such events have been conducted in the past, but to eliminate any possibility of confusion or concern, the Sets has contacted the promoters that it had talked to in the past and advised them that the Sets will not allow any activity that could be interpreted as "Special Events". This includes the fetish shows of any kind with the Sets did not believe were "Special Events", but may have been interpreted by others as being such. This leaves the issue of the alleged noise, which emanates from the outside patio.

Gary J. Jaburg
Lawrence E. Wilk
Roger L. Cohen
Randy Nussbaum
Mitchell Reichman
Beth S. Cohn
Kraig J. Marton
Scott J. Richardson
Kathi M. Sandweiss
Mervyn T. Braude
Lauren L. Garner
Maria Crimi Speth
Michelle C. Lombino
Neal H. Bookspan
Ronald M. Horvitz
Gregory P. Gillis
Peter M. Gennrich
Janessa E. Koenig
Mark D. Bogard
Kelly Brown
Jonathan Ibsen
Kevin J. Rattay
David S. Gingras
Adam S. Kunz
David N. Farren
Daniel L. Hulsizer
Jill M. Hulsizer
Thomas A. Connelly
Laurence B. Hirsch
Valerie L. Marciano
Lisa S. Soo

Of Counsel
Arly Richau

www.jaburgwilk.com

Offices also in Phoenix

3200 N. Central Ave., Suite 2000 • Phoenix, AZ 85012 • Tel 602/248-1000 • Fax 602/248-0522

May 25, 2007
Page 2

Phoenix Office:
3200 N. Central Ave.,
Suite 2000
Phoenix, AZ 85012

Tel 602/248-1000
Fax 602/248-0522

Scottsdale Office:
14500 N. Northsight Blvd.,
Suite 116
Scottsdale, Arizona 85260

Tel 480/609-0011
Fax 480/609-0016

As you are aware, the Sets received well deserved publicity for its innovative approach to Tempe's anti-smoking ordinance. The Sets had certain customers which demanded the right to smoke while drinking and the Sets designed its bar so that a significant portion of its area was no longer under roof. Redesign of the bar cost a staggering amount of money, but the Sets and the Sets landlord wanted to comply with all city ordinances and create an attractive atmosphere for the Sets patrons. However, because the construction of the patio was an innovative and unique project, the Sets could not rely upon precedent for guidance as to unintended consequences or other issues that may arise.

Even though the Sets has been careful to limit what noise would emanate from the patio, Mr. Hekmatian appreciates that two neighbors, Steve Bonaguidi and Paul Bennewitz, have expressed displeasure with that noise. Because even one disgruntle neighbor is one too many, Mr. Hekmatian has already engaged in an expensive, extensive and in depth investigation regarding the noise emanating from the patio area. That investigation has concluded the following.

Mr. Bonaguidi's home is directly at the end of the alley and therefore is the most vulnerable to any noise coming from the bar, even though other neighbors have not voiced complaints. Mr. Bonaguidi had expressed anger at the volume of music in his neighborhood and not the patrons' noise itself. In response to this complaint, Mr. Hekmatian and the Sets have voluntarily agreed to heighten the existing wall separating the patio from the alley from 6 feet to 12 feet and 8 inches. Pursuant to studies conducted by experts hired by Mr. Hekmatian, this wall will stop any and all noises, including drumbeats, from reaching the hard block walls of the alleyway and the noise from then reverberating off the walls and interfering with the neighbors enjoyment of their properties. Mr. Hekmatian is using 8 inch block wall filled with sand and 1-1/2 inch of insulation and dryvit on the inside and painted on both sides. This will reduce any noise generated by the bar by at least 51%.

Plans for the construction of this wall has been submitted to the City of Tempe for a building permit. Once the permit is granted, an experienced masonry contractor is ready to immediately construct the wall. Bother Mr. Hekmatian and the Sets acknowledge that the wall will not eliminate every noise emanating from the bar, but he is confident that at least 90% of it will be eliminated by this construction one the wall is constructed, Mr. Hekmatian will make sure that levels have been dramatically reduced by utilizing the services of Acoustical Solutions, Inc., a manufacturer specializing in reduction and noise reduction materials. The Sets will install additional noise buffering product, including the use of custom made baffles, banners and wall panels. They will hang from the existing walls and the patio itself to ensure that there will not be any place for noise to escape the boundaries of the Sets into the neighborhood. Although the Sets will need to procure an additional building permit for this purpose, he is confident that the city will approve that permit since doing so is for the benefit of the neighborhood, though at an additional expense to the Sets. Once this work is done, in independent testing company will be employed to confirm for

May 25, 2007
Page 3

the Sets, the City of Tempe and the neighborhood that all such action taken by the Sets has been successful and has reduced the noise to a level far below mandated. The neighbors, The City and The Police are invited to participate in the test procedures so that they are satisfied with the authenticity of these tests.

Phoenix Office:
3200 N. Central Ave.,
Suite 2000
Phoenix, AZ 85012

Tel 602/248-1000
Fax 602/248-0522

Mr. Hekmatian is confident that though he and his landlord will have to spend tens of thousands of dollars to complete this project, the solutions described above will end this problem once and for all and will demonstrate unequivocally that the Police Department and City of Tempe can feel comfortable with this business.

Sincerely,

JABURG & WILK, P.C.



Randy Nussbaum

Scottsdale Office:
14500 N. Northsight Blvd.,
Suite 116
Scottsdale, Arizona 85260

Tel 480/609-0011
Fax 480/609-0016

RXN:klt

cc: Mr. Hekmatian

McGuire, Diane

From: Lesser, Sherri
Sent: Wednesday, May 30, 2007 1:51 PM
To: McGuire, Diane
Subject: FW: Noise Complaints and Part I&II Crimes at 93 E Southern Ave
Attachments: The Sets 05-01-2005_04-30-2007.xls

Diane-

Also include this email in the attachment. Sherri

From: Qureshi, Mona
Sent: Monday, May 14, 2007 2:38 PM
To: Vanek, Bill
Cc: Rogers, Buck; Lesser, Sherri; Abrahamson, Steve
Subject: Noise Complaints and Part I&II Crimes at 93 E Southern Ave

Bill,

Per your request, attached is an analysis of noise complaints at 93 E Southern Ave (The Sets), 120 E Pebble Beach Dr, 126 E Pebble Beach Dr, and 132 E Pebble Beach Dr, covering the time period of May 1, 2005 - April 30, 2007. Also included is Part I & II crime information for the same period for 93 E Southern Ave (The Sets).

Of 15,360 noise complaints received in Tempe for the specified time period, 38 (0.25%) were in reference to this area.

Of 57,800 Part I & II crimes committed in Tempe for the specified time period, 26 (0.05%) were connected to 93 E Southern Ave.

I hope this information is helpful for you, feel free to contact me if you have any questions or would like any further information.

Mona Qureshi

Strategic and Administrative Crime Analyst
City of Tempe Police Department
480-858-6249
www.tempe.gov/cau

Noise Complaints
93 E Southern Ave (The Sets) and E Pebble Beach Dr Addresses
May 1, 2005 - April 30, 2007

Totals

Address	Frequency	Percent
93 E Southern Ave	37	0.24%
120 E Pebble Beach Dr	1	0.01%
126 E Pebble Beach Dr	0	0.00%
132 E Pebble Beach Dr	0	0.00%
Total for Specified Addresses	38	0.25%
Total for All Addresses	15,360	100.00%

Dispositions

Disposition	Frequency	Percent
GOA/UNABLE TO LOCATE	4	10.53%
CIVIL MATTER	1	2.63%
FI CARD	1	2.63%
TICKET	1	2.63%
T.O.T.	2	5.26%
OTHER	29	76.32%
Total	38	100.00%

Noise Complaints
93 E Southern Ave (The Sets) and 120 E Pebble Beach Dr
May 1, 2005 - April 30, 2007

IR#	Address	Date	Hr	Min	Disposition	ICIS Comments
05126448	120 E PEBBLE BEACH DR	30-Jul-05	23	8	GOA/UNABLE TO LOCATE	CT LC VALID: 120 E PEBBLE BEACH DR CT CT VALID: 415E COMPLAINT IS FOR LOUD MUSIC AT THE SETS 93 E SOUTHERN.COMP WANTS OFCR TO 25 AT HIS HOME FIRST
05075295	93 E SOUTHERN AV	6-May-05	21	49	OTHER	CT LC VALID: THE SETS @93 E SOUTHERN AV CT CT VALID: 415E LIVE MUSIC DUPLICATE CALL INFO-CALL TYPE: 415E LOC: THE SETS @93 E SOUTHERN AV CITY:TMPE CT:415E NAME:CHRIS SUMMERS CONT: N PH#:(480)6207771 LIVE BAND LOUD MUSIC CONT: N PH#:(480)9686794 NAME:JAY REEDER CITY:TMPE CT:415E DUPLICATE CALL INFO-CALL TYPE: 415E LOC: THE SETS @93 E SOUTHERN AV
05079396	93 E SOUTHERN AV	13-May-05	20	3	OTHER	CT CT VALID: 415E
05079432	93 E SOUTHERN AV	13-May-05	21	26	OTHER	CT LC VALID: THE SETS @93 E SOUTHERN AV LOUD MUSIC ONGOING PROBLEM COMPL IS WILLING TO AID IN PROSECUTION IF NECESSARY CT CT VALID: 415E
						CT LC VALID: THE SETS @93 E SOUTHERN AV

IR#	Address	Date	Hr	Min	Disposition	ICIS Comments
						COMPL ADV 2ND CALL//4P18 OUT EARLIER AND ADV THEM TO TURN IT DOWN//LOU D MUSIC CT VIEWED PREMISE HISTORY
05079524	93 E SOUTHERN AV	13-May-05	23	20	OTHER	CT LC VALID: THE SETS @93 E SOUTHERN AV CT CT VALID: 415E LOUD MUSIC CT VIEWED PREMISE HISTORY CT VIEWED PREMISE HISTORY CT VIEWED PREMISE HISTORY CT VIEWED PREMISE HISTORY
05089578	93 E SOUTHERN AV	29-May-05	21	41	OTHER	CT LC VALID: THE SETS @93 E SOUTHERN AV CT CT VALID: 415E SE CORNER MILL / SOUTHERN // LOUD MUSIC
05090076	93 E SOUTHERN AV	30-May-05	20	16	OTHER	CT LC VALID: SETS @93 E SOUTHERN AV CT CT VALID: 415E LOUD RECORDED MUSIC.....IN THE LOUNGE AREA....COMPL TRYING TO HAVE DI NNER....HEARING IT THRU WALLS OF HOME.....REQ PD CHECK
05101795	93 E SOUTHERN AV	19-Jun-05	0	44	OTHER	CT CT VALID: 415E CT LC VALID: SETS @93 E SOUTHERN AV COMPL ADV EXTREMELY LOUD MUSIC FROM BAR
05105967	93 E SOUTHERN AV	26-Jun-05	0	19	OTHER	CT CT VALID: 415E CT LC VALID: SETS @93 E SOUTHERN AV LOUD MUSIC COMING FROM THE BAR....CALLED THE BUSN/SETS.....COMPL TALKED TO MGR EARLIER....BUT IT IS STILL LOUDER THAN USUAL.....

IR#	Address	Date	Hr	Min	Disposition	ICIS Comments
05109119	93 E SOUTHERN AV	1-Jul-05	22	50	GOA/UNABLE TO LOCATE	CT LC VALID: SETS @93 E SOUTHERN AV CT CT VALID: 415E COMP SAYS MUSIC IS SO LOUD HER WALLS ARE SHAKING CT VIEWED TEMPORARY SITUATIONS CT VIEWED PREMISE HISTORY
05109179	93 E SOUTHERN AV	2-Jul-05	0	1	OTHER	CT CT VALID: 415E CT LC VALID: PINKY'S @93 E SOUTHERN AV HAS BEEN GOING ON SINCE 1800..LOUD MUSIC AND PEOPLE.. **4P18 RESPONDED EARLIER / CLEARED W/03 / DIFF COMPLAINANTS** CT VIEWED PREMISE HISTORY CT VIEWED PREMISE HISTORY
05126390	93 E SOUTHERN AV	30-Jul-05	22	0	OTHER	CT CT VALID: 415E CT LC VALID: SETS @93 E SOUTHERN AV LOUD MUSIC COMING FROM THE SETS FOR PAST FEW HOURS / MUSIC LOUDER THAN USUAL
05134979	93 E SOUTHERN AV	14-Aug-05	0	19	OTHER	CT LC VALID: THE SETS @93 E SOUTHERN AV CT CT VALID: 415E LOUD TALKING AND YELLING OVER A PA SYSTEM ON THE OUTSIDE PATIO
05138416	93 E SOUTHERN AV	19-Aug-05	21	53	OTHER	CT CT VALID: 415E CT LC VALID: SETS @93 E SOUTHERN AV LOUD MUSIC...NFI CT VIEWED TEMPORARY SITUATIONS
05152105	93 E SOUTHERN AV	10-Sep-05	23	4	OTHER	CT LC VALID: SETS @93 E SOUTHERN AV CT CT VALID: 415E LIVE BAND PLAYING OUTSIDE//ONGOING PROBLEM // CHECKED PERMITS FOR TONIGHT DIDN'T SEE ANYTHING FOR SETS// //CALLER ADV ONGOING PROB AND CT VIEWED PREMISE HISTORY

IR#	Address	Date	Hr	Min	Disposition	ICIS Comments
						PD RESPONDS AND QUIETS THINGS DOWN// CT VIEWED TEMPORARY SITUATIONS
05176702	93 E SOUTHERN AV	22-Oct-05	21	43	OTHER	CT LC VALID: THE SETS @93 E SOUTHERN AV CT CT VALID: 415E LOUD MUSIC // COMPL BACK ON 21 ADVG MUSIC HAS STARTED UP AGAIN AND IT'S VERY LOUD CT VIEWED PREMISE HISTORY CT VIEWED PREMISE HISTORY
05176779	93 E SOUTHERN AV	22-Oct-05	23	41	OTHER	CT CT VALID: 415E CT LC VALID: THE SETS @93 E SOUTHERN AV VERY LOUD MUSIC / CT VIEWED PREMISE HISTORY
05176847	93 E SOUTHERN AV	23-Oct-05	1	18	OTHER	CT LC VALID: THE SETS @93 E SOUTHERN AV CT CT VALID: 415E LOUD MUSIC DUPLICATE CALL INFO-CALL TYPE: 415P LOC: THE SETS @93 E SOUTHERN AV CITY:TMPE CT:415P NAME:CHRIS SUMMERS CONT: Y ADR:132 E LIVE BAND PLAYING OUTSIDE // COMPL AND OTHER NEIGHBORS REALLY UPSET .. PEBBLE BEACH > PH#:(480)6207771 THEY WILL BE OUTSIDE ON THE STREET WAITING FOR OFCR // COMPL ADVING HE 'S CALLED SEVERAL TIMES IN LAST MONTHS CT VIEWED PREMISE HISTORY
05180836	93 E SOUTHERN AV	29-Oct-05	19	7	CIVIL MATTER	CT CT VALID: 415E CT LC VALID: SETS @93 E SOUTHERN AV LIVE BAND OUTSIDE / COMPL HAS BEEN GOING ON FOR AWHILE / COMPL REQ CON

IR#	Address	Date	Hr	Min	Disposition	ICIS Comments
05180953	93 E SOUTHERN AV	29-Oct-05	22	5	OTHER	TACT AT HIS RESD / CT CT VALID: 415E CT LC VALID: THE SETS @93 E SOUTHERN AV AND WARNED HIM THIS WAS GOING TO BE HAPPENING TONIGHT... LOUD MUSIC GOING ON SINCE 1700HRS..UPSET ABOUT POSS WEDDING GOING ON A T THIS LOCATION // FYI, THE BUSN CONTACTED HIM LAST WEEK TO APOLOGIZE CT VIEWED PREMISE HISTORY CT VIEWED TEMPORARY SITUATIONS
06005119	93 E SOUTHERN AV	8-Jan-06	22	34	OTHER	CT CT VALID: 415E CT LC VALID: 93 E SOUTHERN AV @THE SETS FROM ABOVE ADD/ LOUD LIVE MUSIC INSIDE BUT COMPL CAN HEAR INSIDE HIS A PT// CT VIEWED PREMISE HISTORY
06050638	93 E SOUTHERN AV	26-Mar-06	0	39	OTHER	CT 2965724 SETS @93 E SOUTHERN AV CT CT VALID: 415E CT LC VALID: SETS @93 E SOUTHERN AV COMPL LIVES ON PEBBLE BEACH AND WANTS TO SPK TO PD REF LOUD MUSIC AT T HE SETS...REQ PD RESPOND TO HIS HOUSE FIRST...NFI
06063116	93 E SOUTHERN AV	16-Apr-06	0	17	GOA/UNABLE TO LOCATE	CT CT VALID: 415E CT LC VALID: SETS @93 E SOUTHERN AV LOUD MUSIC
06081796	93 E SOUTHERN AV	16-May-06	21	32	OTHER	CT CT VALID: 415E CT LC VALID: 93 E SOUTHERN AV @THE SETS

IR#	Address	Date	Hr	Min	Disposition	ICIS Comments
06085551	93 E SOUTHERN AV	22-May-06	22	55	OTHER	<p>CALLER SAYS THE BASE IS SO LOUD IT IS SHAKING HIS RESIDENCE...</p> <p>CT LC VALID: 93 E SOUTHERN AV @THE SETS CT CT VALID: 415E</p> <p>LOUD MUSIC ...CALLER NOW WANTS CONTACT BY PHONE (480-296-5724) NAME IS STEVE</p>
06086718	93 E SOUTHERN AV	24-May-06	22	22	T.O.T	<p>CT CT VALID: 415E</p> <p>CT LC VALID: 93 E SOUTHERN AV @THE SETS LOUD MUSIC / ONGOING PROB / AREA CODE (480)</p> <p>CT VIEWED PREMISE HISTORY CT VIEWED PREMISE HISTORY CT VIEWED PREMISE HISTORY</p>
06089245	93 E SOUTHERN AV	28-May-06	22	35	OTHER	<p>CT LC VALID: THE SETS @93 E SOUTHERN AV CT CT VALID: 415E</p> <p>LOUD MUSIC</p> <p>CT VIEWED PREMISE HISTORY CT VIEWED TEMPORARY SITUATIONS</p>
06107993	93 E SOUTHERN AV	29-Jun-06	21	31	TICKET	<p>CT LC VALID: SETS @93 E SOUTHERN AV CT CT VALID: 415E</p> <p>LOUD MUSIC...COMP ALREADY TALKED TO MANAGER BUT MUSIC IS STILL LOUD... NFI</p>
06116508	93 E SOUTHERN AV	13-Jul-06	21	58	T.O.T	<p>CT LC VALID: 93 E SOUTHERN AV @THE SETS CT CT VALID: 415E</p> <p>LOUD MUSIC...LOUD BASE....FROM THIS COMPLEX...REQ PD CHECK NOISE LEVEL...AND WANTS 21 CONTACT-YES</p>

IR#	Address	Date	Hr	Min	Disposition	ICIS Comments
06151105	93 E SOUTHERN AV	7-Sep-06	22	24	OTHER	CT LC VALID: THE SETS @93 E SOUTHERN AV CT CT VALID: 415E COMPL ASKED THE OWNER TO TURN DOWN THE MUSIC AND HE REFUSED // COMPL R QSTING OFCR ASK THEM TO TURN THE MUSIC DOWN
06172340	93 E SOUTHERN AV	13-Oct-06	22	20	OTHER	CT LC VALID: SETS @93 E SOUTHERN AV CT CT VALID: 415E REQ PD CHECK THIS BUSN...HAVE THEM TURN MUSIC DOWN...COMPL WANTS PD CONTACT BY 21-YES
06174631	93 E SOUTHERN AV	17-Oct-06	19	32	OTHER	CT CT VALID: 415E CT LC VALID: 93 E SOUTHERN AV @THE SETS MUSIC IS REALLY LOUD //COMP CAN HEAR IT IN HIS LIVING ROOM CT VIEWED PREMISE HISTORY
06177614	93 E SOUTHERN AV	22-Oct-06	22	11	OTHER	CT LC VALID: THE SETS @93 E SOUTHERN AV CT CT VALID: 415E EFUSED / COMPL REQ CONTACT PRIOR TO OFCR GOING TO THE SETS / LOUD MUSIC / COMPL SAYS HE ALREADY CALLED THEM AND ASKED THEM TO TURN IT DOWN AND THEY R .. COMP CALLED BACK ADVISED NO CONT COMP IS GOING TO TRY AND GO TO SLEEP M CONT: Y -> N
06178145	93 E SOUTHERN AV	23-Oct-06	22	52	OTHER	CT LC VALID: 93 E SOUTHERN AV @THE SETS CT CT VALID: 415E

IR#	Address	Date	Hr	Min	Disposition	ICIS Comments
						COMPL REQ OFFCR TO ASK BAR OWNERS TO TURN MUSIC DOWN / COMPL SAYING BA SS IS COMING THRU HIS BEDROOM WALLS / NFI-NFD / CT VIEWED PREMISE HISTORY
07010046	93 E SOUTHERN AV	17-Jan-07	21	3	OTHER	CT LC VALID: SETS @93 E SOUTHERN AV Y HAVE NOT YET//COMP DOES NOT WANT CONT//TRYING TO GO TO SLEEP// CT CT VALID: 415E COMP WOULD LIKE MUSIC TURNED DOWN AT ABOVE LOCATION//COMP TALKED WITH MANAGER 1/2 HOUR AGO AND MANAGER ADVISED HE WOULD TURN IT DOWN BUT THE
07024323	93 E SOUTHERN AV	10-Feb-07	23	26	OTHER	CT LC VALID: 93 E SOUTHERN AV @SETS CT CT VALID: 415E LOUD MUSIC // COMPL WANTS CONTACT IN PLOT // BRO SWEATHER BLU JEANS // CAN CALL COMPL IF UNABLE TO LOCATE 480-296-5724
07044878	93 E SOUTHERN AV	17-Mar-07	2	5	GOA/UNABLE TO LOCATE	CT LC VALID: THE SETS @93 E SOUTHERN AV CT CT VALID: 415E CMP RESIDES IN THE 100BLK OF E PEBBLE BEACH & CAN HEAR A BULLHORN COMING FROM ABOVE ADDRES RQST WE HAVE THEM SHUT WHATEVER IT IS DOWN
07061462	93 E SOUTHERN AV	14-Apr-07	19	53	FI CARD	CT CT VALID: 415E CT LC VALID: THE SETS @93 E SOUTHERN AV LOUD MUSIC // COMP SAYS THE CITY ADVISED HIM THE NOISE SHOULD NOT BE A UDIBLE OUTSIDE BUSN AT ALL // WOULD LIKE CONTACT IN PERSON / ADV COMP THAT PD IS 23 ON ANOTHER CALL WILL 25 HIM SHORTLY @2030HRS**JNM**

**Part I and II Crimes
The Sets at 93 E Southern Ave
May 1, 2005 - April 30, 2007**

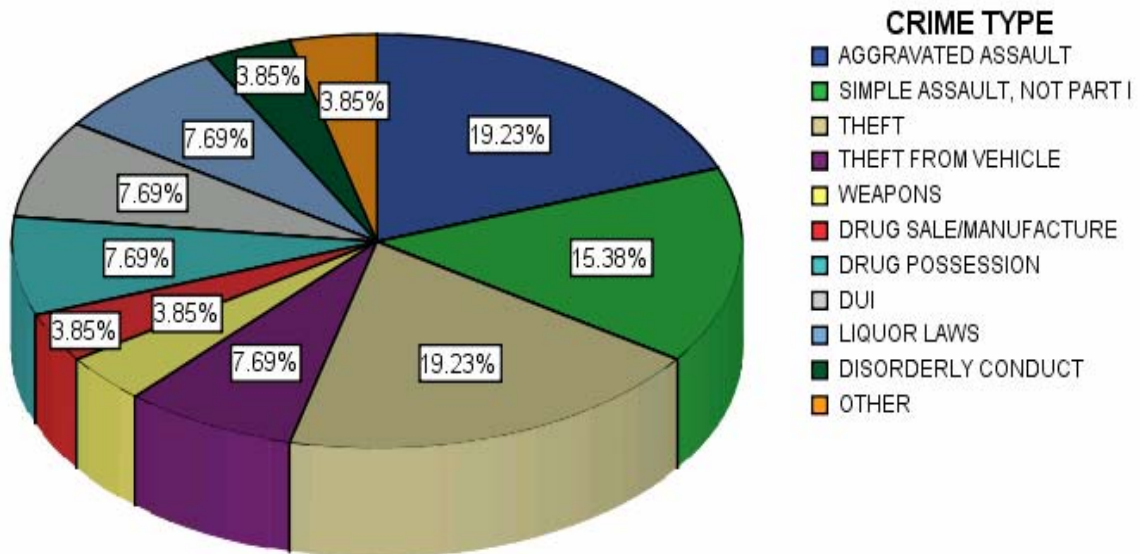
IR#	Date	Crime	Disposition
05094797	6-Jun-05	THEFT	Other
05109296	2-Jul-05	THEFT	Arrest, Adult
05109341	2-Jul-05	SIMPLE ASSAULT, NOT PART I	Other
05109223	2-Jul-05	THEFT FROM VEHICLE	Other
05180302	29-Oct-05	AGGRAVATED ASSAULT	Other
05181301	30-Oct-05	DUI	Arrest, Adult
05192101	17-Nov-05	THEFT	Other
06013494	23-Jan-06	AGGRAVATED ASSAULT	Other
06013504	23-Jan-06	THEFT	Other
06018831	31-Jan-06	DRUG SALE/MANUFACTURE	Arrest, Adult
06059357	9-Apr-06	THEFT FROM VEHICLE	Other
06060545	11-Apr-06	LIQUOR LAWS	Arrest, Adult
06087438	26-May-06	SIMPLE ASSAULT, NOT PART I	Arrest, Adult
06090439	30-May-06	DISORDERLY CONDUCT	Arrest, Adult
06090408	30-May-06	AGGRAVATED ASSAULT	Other
06109377	2-Jul-06	DUI	Arrest, Adult
06109499	2-Jul-06	DRUG POSSESSION	Arrest, Adult
06137591	17-Aug-06	WEAPONS	E/C, Adult(Exceptionally Cleared)
06143891	26-Aug-06	SIMPLE ASSAULT, NOT PART I	Other
06146454	30-Aug-06	AGGRAVATED ASSAULT	Other
06153411	11-Sep-06	THEFT	Other
06168436	7-Oct-06	SIMPLE ASSAULT, NOT PART I	Arrest, Adult
06192948	16-Nov-06	AGGRAVATED ASSAULT	Other
06198308	26-Nov-06	OTHER	Arrest, Adult
07035758	2-Mar-07	LIQUOR LAWS	Arrest, Adult
07060320	12-Apr-07	DRUG POSSESSION	Arrest, Adult

Disposition Frequencies

Disposition	Frequency	Percent
Arrest, Adult	12	46.15%
E/C, Adult(Exceptionally Cleared)	1	3.85%
Other	13	50.00%
Total	26	100.00%

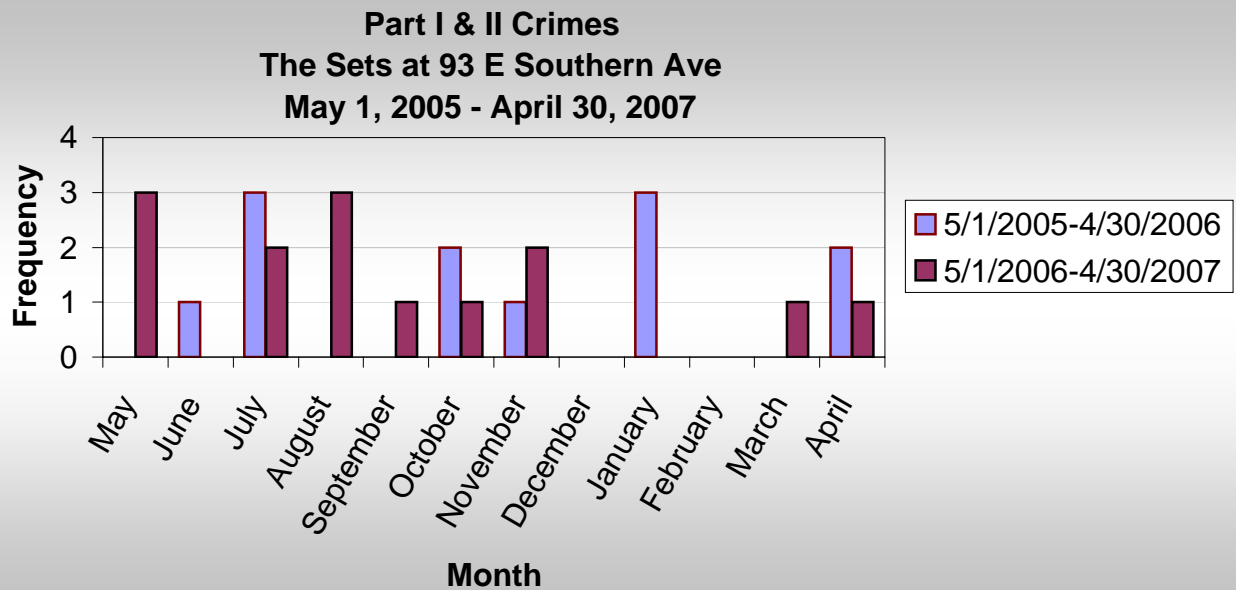
**Part I and II Crimes
The Sets at 93 E Southern Ave
May 1, 2005 - April 30, 2007**

Crime	Frequency	Percent
AGGRAVATED ASSAULT	5	19.23%
SIMPLE ASSAULT, NOT PART I	4	15.38%
THEFT	5	19.23%
THEFT FROM VEHICLE	2	7.69%
WEAPONS	1	3.85%
DRUG SALE/MANUFACTURE	1	3.85%
DRUG POSSESSION	2	7.69%
DUI	2	7.69%
LIQUOR LAWS	2	7.69%
DISORDERLY CONDUCT	1	3.85%
OTHER	1	3.85%
Total	26	100.00%



**Part I & II Crimes
The Sets at 93 E Southern Ave
May 1, 2005 - April 30, 2007**

Month	5/1/2005-4/30/2006	5/1/2006-4/30/2007
May	0	3
June	1	0
July	3	2
August	0	3
September	0	1
October	2	1
November	1	2
December	0	0
January	3	0
February	0	0
March	0	1
April	2	1
Total	12	14





THE SETS

93 E SOUTHERN AVE

PL070167

FRONT OF BUSINESS: VIEW TO SOUTHEAST